BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE TENNESSEE

	THE PART OF THE PROPERTY OF TH		
VAL DE	JANUARY 13, 2000)	
IN RE:)	
)	
PETITION FOR ARBITRATION OF ITC^DELTACOM)	
COMMUNICATIONS, INC. WITH BELLSOUTH)	DOCKET NO.
TELECOMMUNICATIONS, INC. PURSUANT TO		j	99-00430
THE TELECOMMUNICATION	ONS ACT OF 1996)	
)	

INITIAL ORDER RELATIVE TO SUPPLEMENTAL POST-HEARING BRIEFS

Pursuant to the Arbitration in the above captioned matter, on January 3, 2000, ITC^DeltaCom Communications, Inc. ("DeltaCom") filed with the Tennessee Regulatory Authority ("TRA") its *Motion for Leave to File Supplemental Brief* ("Motion") together with a *Supplemental Post-Hearing Brief*. This Motion references the *Third Report and Order* in Docket No. 98-147 and *Fourth Report and Order* in Docket No. 96-98 of the Federal Communications Commission ("FCC"), and states that these "December 9, 1999, FCC orders have a direct impact on several of the issues before the Tennessee Regulatory Authority" in this arbitration, particularly "Issue 1(a) regarding performance guarantees."

On January 7, 2000, BellSouth Telecommunications, Inc. ("BellSouth") filed its Response to ITC^DeltaCom Communications, Inc.'s Motion for Leave to File Supplemental Brief ("Response"). This Response states that "BellSouth has no objection to DeltaCom's motion provided that BellSouth be given the opportunity to file a supplemental brief as well." The Response then states that "other developments" should be considered as well, and references the following: (1) the FCC's recent Memorandum Opinion and Order in In re: Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide.

In-Region, InterLATA Service in the State of New York, CC Docket No. 99-295 (Dec. 22, 1999); (2) the Florida Public Service Commission's decision in the arbitration initiated by ICG Telecom Group, Inc., Docket No. 990691-TP; and (3) the Florida Commission's decision in the DeltaCom arbitration, Docket No. 990750-TP, which is expected to be rendered on January 11, 2000.

On January 11, 2000, DeltaCom and BellSouth met with the Pre-Arbitration Officer and agreed to withdraw their filings provided that the TRA take administrative or official notice of the documents referenced in the Motion and the Response, provided further that such documents are filed with the TRA by January 12, 2000.

IT IS THEREFORE ORDERED THAT:

- 1) Pursuant to the agreement of the parties, DeltaCom's Motion and Supplemental Post-Hearing Brief as well as BellSouth's Response are deemed withdrawn;
- 2) Pursuant to TRA Rule 1220-5-2-.02(1), the Arbitrators will take "official notice" of any documents referenced in the Motion or the Response that are filed with the TRA by January 12, 2000; and
- 3) Any party aggrieved by this Initial Order may file a Petition for Reconsideration with the Arbitrators within ten (10) days of the date of this Order.

Gary R. Hotvedt, Pre-Arbitration Officer

Entered: 5000 / 13,2000

ATTEST:

K. David Waddell, Executive Secretary